



ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi - 110029.
(Legal Cell)


No.F.41-508/2018/Legal Cell

Dated: 18 APR 2018

MEMORANDUM

1. The Disciplinary Authority proposes to hold an inquiry against Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witness by whom, the article of charges are proposed to be sustained are also enclosed (Annexure - III).
2. Mrs. Shruti Kumari, Jr. Physiotherapist is directed to submit her written reply within 10 days from the receipt of this memorandum in her defence and also to state whether she desires to be heard in person.
3. She is informed that an inquiry will be held only in respect of those article of charge as are not admitted. She should, therefore, specifically admit or deny each article of charges.
4. Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery is further informed that if she does not submit her written statement of defence on or before the date specified in Para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, or the orders/direction issued in pursuance to the said Rules, the inquiring authority may hold the inquiry ex-parte against her.
5. Attention of against Mrs. Shruti Kumari, Jr. Physiotherapist is invited to Rule 20 of the Central Civil Services (Conduct) Rules 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under this institute. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Mrs. Shruti Kumari, Jr. Physiotherapist is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 20 of the CCS (Conduct) Rules, 1964.
6. The receipt of this memorandum may be acknowledged.

**By Order and for & Behalf of the
Director & Disciplinary Authority**


(Dr. Sanjay Arya)
Chief Administrative Officer

To,

1. Mrs. Shruti Kumari,
Physiotherapist,
G.I. Surgery,
AIIMS, New Delhi.

Through:

**HOD, G.I. Surgery,
AIIMS, New Delhi.**

2. Mrs. Shruti Kumari,
Physiotherapist,
B-91, Sector-91,
Noida, UP.

3. Mrs. Shruti Kumari,
Physiotherapist,
114/3, Matri Nagar,
Distt-Drug, Bhali
M.P.

Annexure-I


STATEMENT OF ARTICLE OF CHARGE AGAINST MRS. SHRUTI KUMARI, JR. PHYSIOTHERAPIST, G.I. SURGERY, AIIMS, NEW DELHI.

ARTICLE OF CHARGE

That the said Mrs. Shruti Kumari, while working as Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi has been found willfully absenting herself from duties unauthorizedly since 01.08.2014 till date without prior permission from Competent Authority.

Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi by her act has willfully violated the provisions of the provisions of CCS(Conduct) Rules, 1964 applicable to the employees of this Institute and has failed to maintain devotion to duty, which is not amenable to discipline and by her above mentioned acts Mrs. Shruti Kumari is responsible for disobedience, willful insubordination and has acted in a manner of unbecoming of an Institute employee and thus Mrs. Shruti Kumari has contravened Rule 3 (1) (ii) & Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964 as applicable to the employees of the Institute.

**By Order and for & Behalf of the
Director & Disciplinary Authority**


**(Dr. Sanjay Arya)
Chief Administrative Officer**

Annexure - II

STATEMENT OF IMPUTATION OF GROSS MISCONDUCT OR IN SUPPORT OF ARTICLE OF CHARGE MRS. SHRUTI KUMARI, JR. PHYSIOTHERAPIST, G.I. SURGERY, AIIMS, NEW DELHI.


IMPUTATION OF ARTICLE OF CHARGE

It has been observed that Mrs. Shruti Kumari, while working as Jr. Physiotherapist in G.I. Surgery, AIIMS, New Delhi is absenting herself from her duty unauthorizedly without prior permission or sanction of leave by the Competent Authority. She is absenting herself from her duty since 01.08.2014 till date without any information. Her absence from duty without information, has caused/is causing disruption in the smooth functioning of the hospital services.

Mrs. Shruti Kumari was issued recall notices vide memorandum No.F.31-27/2002-Estt-II dated 30.10.2015, 15.05.2017 and 14.08.2017 to join back her duties immediately with further directions to explain reasons as to how she is absenting herself from her official duties. All the communications sent to her available addresses in the Service Book have been received back undelivered with the remarks of "Undelivered and Left/incomplete address" from the postal authority.

Mrs. Shruti Kumari being an employee of this Institute, by her above misconduct has violated the provisions of CCS (Conduct Rules), 1964 and has shown insubordination and has failed to maintain devotion to duty and is not amenable to discipline and has thereby contravened Rule 3(1) (ii) & 3(1) (iii) of the CCS (Conduct) Rules, 1964 read with Regulation 33(2) of the AIIMS Regulations, 1999 (as amended from time to time).

**By Order and for & Behalf of the
Director & Disciplinary Authority**


**(Dr. Sanjay Arya)
Chief Administrative Officer**

Annexure - III

LIST OF DOCUMENTS AND WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED MRS. SHRUTI KUMARI, JR. PHYSIOTHERAPIST, G.I. SURGERY, AIIMS, NEW DELHI.

LIST OF DOCUMENTS

1. Leave request dated 19.07.2014 of Mrs. Shruti Kumari.
2. Noting dated 26.07.2014 of HOD, G.I. Surgery, AIIMS, New Delhi
3. Copy of show cause notice No.F.31-27/2002-Estt-II, dated 30.10.2015
4. Explanation dated 26.11.2015 of Mrs. Shruti Kumari in response to SCN dated 30.10.2015.
5. Copy of show cause notice No.F.31-27/2002-Estt-II, dated 15.05.2017
6. Copy of show cause notice No.F.31-27/2002-Estt-II, dated 14.08.2017

LIST of WITNESSES

1. Prof. Peush Sahni, Professor, G.I. Surgery, AIIMS, New Delhi.
2. Administrative Officer, Establishment Section (DO), AIIMS, N.D.
2. Shri Shashi Kant Kharwar, Dealing Assistant, Estt. Section, AIIMS, New Delhi.

**By Orders and for & On Behalf
of the President, AIIMS**



**(Dr. Sanjay Arya)
Chief Administrative Officer**



ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR, NEW DELHI - 110029
LEGAL CELL

No. F.41-508/2018/Legal Cell

Dated: 10 JUN 2019

MEMORANDUM

**Subject: Departmental Inquiry against Ms. Shruti Kumari, Jr. Physiotherapist
G.I. Surgery, AIIMS, New Delhi.**

The undersigned is directed to refer to the subject cited above and to forward herewith a copy of Inquiry Report dated 20.02.2019 to Ms. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi under Rule 14 of CCS (CCA) Rules, 1965 under the Provisions of Rule 15(2) of CCS(CCA) Rules, 1965, as received from the Inquiry Officer.

Through this Memorandum, an opportunity to Ms. Shruti Kumari is given to represent against the enclosed inquiry report dated 20.02.2019. Ms. Shruti Kumari may submit her representation, if any in writing to the undersigned within 15 days from the receipt of this memorandum, failing which it will be presumed that Ms. Shruti Kumari has nothing to say on the findings of inquiry report and the decision on the basis of inquiry report will be taken by the Disciplinary Authority accordingly.

**By Order and for & Behalf of the
Director & Disciplinary Authority**

Encl. As above.


**(Dr. Sanjay Kumar Arya)
Chief Admn. Officer**

To,

Ms. Shruti Kumar
H.No.B-91
Sector-37
Noida, UP.
Pin-201301.



ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR, NEW DELHI - 110029
LEGAL CELL

No. F.41-508/2018/Legal Cell

Dated: 25 MAR 2019

MEMORANDUM

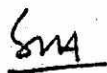
**Subject: Departmental Inquiry against Ms. Shruti Kumari, Jr. Physiotherapist
G.I. Surgery, AIIMS, New Delhi.**

The undersigned is directed to refer to the subject cited above and to forward herewith a copy of Inquiry Report dated 20.02.2019 to Ms. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi under Rule 14 of CCS (CCA) Rules, 1965 under the Provisions of Rule 15(2) of CCS(CCA) Rules, 1965, as received from the Inquiry Officer.

Through this Memorandum, an opportunity to Ms. Shruti Kumari is given to represent against the enclosed inquiry report dated 20.02.2019. Ms. Shruti Kumari may submit her representation, if any in writing to the undersigned within 15 days from the receipt of this memorandum, failing which it will be presumed that Ms. Shruti Kumari has nothing to say on the findings of inquiry report and the decision on the basis of inquiry report will be taken by the Disciplinary Authority accordingly.

**By Order and for & Behalf of the
Director & Disciplinary Authority**

Encl. As above.


(Dr. Sanjay Kumar Arya)
Chief Admn. Officer

To,

Mrs. Shruti Kumari,
Physiotherapist,
G.I. Surgery,
AIIMS, New Delhi.

Through:
HOD, G.I. Surgery,
AIIMS, New Delhi.

Mrs. Shruti Kumari,
Physiotherapist,
B-91, Sector-91,
Noida, UP.201301

Mrs. Shruti Kumari,
Physiotherapist,
114/3, Matri Nagar,
Distt-Drug, Bhali
M.P.490001

E.O - 557276

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR, NEW DELHI -110029

F.No.CDER/Inq-5/2018

Dated: 20th Feb. 2019

Inquiry report of the inquiry officer in the departmental proceedings initiated against Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS under rule 14 of the CCS (CCA) rules 1965.

INTRODUCTION

The Disciplinary authority proposed to hold an inquiry against Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS under Rule 14 of the CCS (CCA) Rules 1965 vide order F.No.41-508/2018-Legal Cell dated 04/09/2018 issued by Chief Administrative Officer, AIIMS

The undersigned was appointed as Inquiry Officer and Mrs. Sree Devi Mohan, Off. Supdt. as Presenting Officer to enquire into the Charges framed against Mrs. Shruti Kumari, Jr. Physiotherapist by the Competent Authority.

Article of Charge

That the said Mrs. Shruti Kumari, while working as Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi has been found wilfully absenting herself from duties unauthorizedly since 01.08.2014 till date without prior permission from Competent Authority.

Mrs. Shruti Kumari, Jr. Physiotherapist, G.I. Surgery, AIIMS, New Delhi by her act has wilfully violated the provisions of the provisions of CCS (Conduct) Rules, 1964 applicable to the employees of this Institute and has failed to maintain devotion to duty, which is not amenable to discipline and by her above mentioned acts Mrs. Shruti Kumari is responsible for disobedience, wilful insubordination and has acted in a manner of unbecoming of an Institute employees and thus Mrs. Shruti Kumari has contravened Rule 3 (1) (ii) & Rule 3.(1) (iii) of the CCS (Conduct) Rules, 1964 as applicable to the employees of the Institute.

Proceedings during the Preliminary Hearings/Regular Hearings

The Preliminary hearing was called for 19.12.2018 vide notice of Preliminary hearing dated 6.12.2018 in which charged official was directed to attend the hearing failing which it would be held ex-parte. CO was also informed that she may nominate her Defence Asstt., if any, as permissible under the rules. The Preliminary hearing was held as scheduled. It was attended by Sri Devi Mohan, Off. Supdt. and PO and the CO did

not attend the hearing. All the notices sent to her working place, at her local address and at her permanent address have been received back with the remarks "do not have contact details" and "nobody resides here" from HOD G.I Surgery and relevant post man of the area of her residences respectively.

The relevant preliminary hearing held as per scheduled. The presenting officer was directed to give inspection of listed documents and provide certified copies of the documents well before the next date of hearing. In order to give one more opportunity to hear from Ms. Shruti Kumar, CO one more date of hearing had been fixed for 9.1.2019 vide order sheet dated 19.12.2018 at the same venue. Therefore, she was once again directed to attend the hearing and submit her list of defence witness, defence documents, if any, to the undersigned with a copy to the Presenting Officer well before the next date of hearing. If she fails to attend the hearing the proceedings would be held ex-parte without further delay. Copy of this order sheet was handed over to PO for compliance. But this notice/order sheet dated 19.12.2018 also received back from both the addresses i.e. local as well as permanent address of Ms. Shruti Kumari, Jr. Physiotherapist.

The Regular hearing was held as per scheduled. Smt. Sri Devi Mohan. Off. Supdt. and PO attended the hearing and Smt. Shruti Kumari, CO did not attend.

The Presenting Officer as directed provided the certified copies of the listed documents and were marked as S-1 to S-6. Summons to witnesses had been sent to attend the next hearing which was scheduled to be held on 28.1.2019 vide notice dt. 9.1.2019 in the office of the undersigned. Copy of this order sheet/notice was sent to PO and CO both to attend the hearing on 28.1.2019 failing which it would be held ex-parte without further delay.

The Regular hearing was held as scheduled for 28.1.2019. The hearing was attended by PO and all the 3 witnesses. Smt. Shruti Kumari, CO did not attend. All the envelopes were received back sent to her at her local and permanent addresses directing her to attend the hearing on 28.1.2019 with the remarks 'Left'.

Examination of witnesses

Dr. Peush Sahni, Prof. & HOD, G.I. Surgery, AIIMS (SW-1) was asked by PO as to whether all the applications for grant of EOL without pay w.e.f. 1.8.2014 to 31.07.2015 and EOL without pay w.e.f. 1.8.2015 to 1.8.2016 to visit abroad to meet her husband in

r/o Shruiti Kumari, CO were forwarded by him. Dr. Sahni replied, Yes, however, she was also advised not to extend her leave or remain absent from her duties beyond this period. Dr. Sahni also informed that a substitute was also asked in writing in her place, but it was not provided.

Sh. Pallav Chitej, Admn. Off. (DO) (SW-2) was also asked as to whether all the Memos have been issued by him. He had replied that all Memos were issued by the then Administrative Officer after the approval of Competent Authority. However, he had gone through this case, he further explained.

Smt. Rekha (SW-3) presently dealing Asstt. of this case was asked by PO as to whether the leave granted as EOL without pay for period w.e.f. 1.8.2014 to 31.07.2015 and w.e.f. 1.8.2015 to 1.8.2016 were approved by the Competent Authority. The memos may also be provided w.r.t this EOL without pay. She replied that the case was dealt with by Sh. Shashi Kant, the then dealing Asstt. However, the EOL without pay was approved by the Competent Authority and Smt. Rekha also provided the copy of the memos in r/o these two periods of EOL without pay as requested to her by PO.

The Depositions of witnesses were examined and recorded as SW-1, SW-2 and SW-3. The prosecution case was closed with the consent of PO. This order sheet dt. 28.1.2019 was handed over to PO and sent to CO at her both addresses for compliance. The envelopes have been received back with the remarks "Left".

The charged officer has not submitted her defence brief as was directed. The Presenting Officer has submitted her brief dt. 31.1.2019 with a copy to Ms. Shruiti Kumari, Jr. Physiotherapist (CO) of this case.

It would thus be seen that CO was given reasonable opportunity to put up her defence before Inquiry authority. In view of the position explained above, the proceedings held ex-parte.

Evidence on behalf of the Disciplinary Authority

There is a list of documents as well as witnesses of this case as listed in Annexure-III of the Charge sheet. Two additional documents were also provided by PO obtained from dealing Asstt. of this case (SW-3) in r/o the memos for grant of EOL without pay alongwith permission to visit Canada for the periods w.e.f. 1.8.2014 to 31.07.2015 and w.e.f. 1.8.2015 to 1.8.2016. Here it is pointed out that the effective date of her

unauthorised absence from duties is 2.8.2016 instead of 1.8.2014 as mentioned in Annexure I and II of the charge sheet.

Conclusion

In view of the facts and circumstances of the case duly supported by the evidences as explained above, the Charge vide order F.No.41-508/2018-Legal Cell dated 18/04/2018 stands "Proved".


(RENU BHARDWAJ)

Sr. ADMINISTRATIVE OFFICER
& INQUIRING AUTHORITY

The Director
AIIMS
New Delhi - 110029

Enclosures

1. All Relevant Documents (42 Nos.)
2. Inquiry report (2 copies)